

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

UNITED STATES OF AMERICA)	DOCKET NO. 3:14CR253-RJC
)	
v.)	
)	DEFENDANT’S UNOPPOSED
MICHAEL R. EGAN, III)	MOTION TO CONTINUE
)	TRIAL

NOW COMES Defendant MICHAEL F. EGAN, III, by and through undersigned counsel, and hereby moves to continue the trial in this matter from the April 6 trial term.

On December 16, 2014, Defendant was indicted in this 2-count indictment charging him with securities and wire fraud. He faces a serious sentence if convicted.

Defendant Egan’s initial appearance took place on January 13, 2015 and the initial trial date was set for February 2, which was continued on defense motion pursuant to 18 U.S.C. §3161(c)(2) because it was less than 30 days from Defendant’s initial appearance. The trial was continued to April 6.

The discovery initially received from the government consisted of over 24,000 pages of documents. At the end of last week, the defense received new, additional discovery comprised of over 97,000 pages. This new encrypted discovery was able to be opened yesterday for the first time. Trial is now less than four weeks away. Due to the nature of the charges and the volume of new discovery received, undersigned counsel cannot be ready for trial in less than four weeks and will not be able to provide Defendant with effective assistance of counsel if the trial begins on April 6. Therefore, pursuant to 18 U.S.C. §3161(h)(7)(B)(iv), Defendant submits that a denial of this continuance motion

would deny Defendant and his counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

The government, through assigned Assistant U.S. Attorney Kevin Zolot, has indicated that it does not oppose this motion to continue.

Therefore, based on the foregoing, Defendant respectfully requests this Honorable Court to continue the trial of this matter from the April 6 term to a later term.

Respectfully submitted,

March 10, 2015

s/ Mark P. Foster, Jr.
NC State Bar #22717
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above **DEFENDANT'S UNOPPOSED MOTION TO CONTINUE TRIAL** has been duly served on the attorney listed below by e-mail service through ECF on this date:

Kevin Zolot
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Thomas R. Ascik
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March 10, 2015

s/ Mark P. Foster, Jr.
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